



## THE SYDNEY MORNING HERALD, THURSDAY, FEBRUARY 22, 1866.

LAW.

SUPREME COURT.—WEDNESDAY.  
Sittings for the Trial of Causes.  
Before His Honor Mr. Justice FAUCETT and a jury of four.

CANTON V. WESTLAKE.

This was an action by a consignee of flour by the banker John Stephenson, of which defendant was master, for damage said to have been done to such flour through the defendant's negligence; the substantial complaint being as to the bad state of the vessel, and the defense that such vessel was in good repair, and that the damage had arisen from the acts of the seafarers.

Sir William Manning, Q.C., and Mr. Stephen, instructed by Messrs. Spain and Roxburgh, appeared for the plaintiff; and the Attorney-General and Mr. Darley, instructed by Mr. Dawson, appeared for the defendant.

The trial of this case was not concluded.

CENTRAL CRIMINAL COURT.

WEDNESDAY.

Before His Honor the Chief Justice.

BATE.

The jury in the case against Willis having been locked in since quarter-past 9 o'clock yesterday afternoon, His Honor attended this morning to ascertain the result of their deliberations. At a quarter-past 10 the forenoon intimated that they had not agreed, being still equally divided in opinion, and not likely to agree. They were again locked up, and so closed that afternoon, but at that time they still disagreed, and were discharged.

Willis, a man upon whom trial had been fixed at the next sitting of the Court.

His Honor said he had been requested to state publicly—and he did not know any reason why he should not do so—that a witness who was absent at the present trial (Mrs. James [sic] Knight) in consequence of ill health, would be present when the trial again came on. This announcement was made for the purpose of doing away with any imputation upon this lady's character through her non-attendance yesterday.

The Court, at a quarter past 6, adjourned until half-past 9 o'clock this morning (Thursday) morning, when the case of Westland will be again heard. It was stated that both panels of jurors would be required, and it is not improbable that there will be some challenge.

METROPOLITAN DISTRICT COURT,

WEDNESDAY.

Before Mr. Justice DOWLING.

MCLENNON V. MCLENNON.

Plaintiff, Donald McLeonn, of defendant—

McLeonn, landlord of the Ship Inn, for wages. There was no tie of consanguinity between the parties.

The amount claimed was £150, for one hundred and fifty weeks' wages at £1 per week, and £100 damages between the 3rd of February, 1862, and the 21st of December, 1863.

Plaintiff had been in the service of defendant as clerk in the Newtown municipality.

Munro deposed that he was chairman of the municipality during the year 1863-6, and, as clerk, was empowere

ered to collect and give receipts for rates, and his duty was to receive £100 weekly from the town clock.

On the 21st of January, 1863, he received £100 from the property of Mr. A. Davis, deceased.

He again went to and, in February, 1862, he again entered the service of defendant; no arrangement was come to as to the amount of wages he was to get. He swore that he had been receiving £5 a week, but before he left his present employer defendant promised to give him £1. When he left defendant offered to give him £1. What he left defendant offered to give him £1, received from him the following certificate of character: "The bearer, Donald McLeonn, has served me as barman for the last eighteen months to my greatest satisfaction, and I can assure him with confidence to any place that he may find for him." He again went to and, in February, 1862, he again entered the service of defendant; no arrangement was come to as to the amount of wages he was to get. He swore that he had been receiving £5 a month when at sea, and that he understood he was to get £10 a month when at land. Defendant, however, alleged that plaintiff was not a hired servant, but was merely allowed to stay at the place of residence. Plaintiff averred that, after he left defendant, he was to get £10 a month, wages, defendant said "No." New turn to as usual in the bar, and, in March, 1862, he worked on the premises as barman and servant, from 5 or half-past 5 o'clock in the morning until 10 and 11 o'clock at night. He served on Sundays as well as other days, and was never absent during the period in question. He had received at different times £10 a week, and, on one occasion he was willing to deduct from his claim £5 as a present. He then told defendant that he was working for him, but did not want to get £10. He, however, accepted the £5, and gave credit for it to the £10. Defendant always gave plaintiff money when he was asked to do so, but when he left he refused to give him any wages. He claimed £1 a week, because he thought that a reasonable rate of remuneration. He left on account of a quarrel he had with defendant, and, when he left, he was in a difficult situation. Plaintiff stated, on cross-examination, that he had known defendant for about fifteen years, and when the latter was the landlord of the Barley Mow, plaintiff served behind the barbers without payment, but did not other work. Plaintiff was then asked if he had ever worked under the service of defendant; no arrangement was come to as to the amount of wages he was to get. Plaintiff had often got drunk, and that he had told one of the witnesses that he was not working for wages. The hearing of the case had not yet commenced, and it was agreed to take a verdict for £10, defendant to pay costs.

Mr. Salomon, instructed by Mr. Rollin, appeared for plaintiff, and Mr. W. Roberts for defendant.

LINDSAY V. CAYLIN.

Plaintiff sued for £24,150, for goods sold and delivered. Plaintiff was a grocer and draper, and defendant, it was alleged, kept a shop at Redfern. The delivery of the goods was proved to have been made at the shop, often in the presence of the defendant, and the bills were made out in the name of Mrs. Art, Captain. Defendant had two doors from the shop, and, when he had sold, he would go to the shop to try and arrange the matter. The evidence showed that the shop was, in fact, kept by Mrs. Leecham, defendant's daughter, who was now dead. It was shown that Mrs. Leecham had been left by her husband, and had married another man, Mr. Cuthbert Cuthbert. She had received the proceeds of the sale of the goods. Although she had obtained money from her mother, the defendant, to pay for the goods at different times, it was affirmed that the money was borrowed, and defendant had no personal interest in the business. Plaintiff's attorney, Mr. Rollin, withdrew the case. Mr. S. C. Brown appeared for defendant.

ENGLISH V. KINGSTON.

This was an action of tort. Plaintiff, a servant of the defendant, sought recovery of wages of a week which had been lost, and of a sum of money which had been damaged, as the plaintiff alleged, through the improvident neglect of the defendant. The amount which it was sought to recover was £50. Defendant had a contract for taking down the General Post Office, in George-street, and paid £1000 for the removal of the walls, and £1000 for the removal of the wall, and the bill was paid off, with the exception of short spaces or struts along the whole length of one side and a part of the other. There were some cracks in the upper part of the wall, but the evidence did not establish whether these were opening in the plaster merely, or in the brickwork. There were three prop firms fixed against the side of the wall, the bottom of which was partly undermined. The wall was two feet seven inches thick; in some places the thickness was over four feet; and the undetermined penetration of each of the struts or studs on one side was about a short distance along the other. From twelve to fourteen feet of brick, &c., had been taken down before the undermining was begun. Evidence was given that the materials composing the wall were of considerable strength, and that it could not be expected that the wall would fall down by the force of opposing currents of wind meeting between Chisholm and Co.'s premises and the wall itself. Defendant, from the first, denied his liability; but, in order to avoid a trial, he agreed to pay £1000. This offer of a compromise was made distinctly without reference to defendant's right of action, but plaintiff refused to accept it. The evidence was concluded shortly after 4 o'clock to-day, and the case was then adjourned for argument by counsel.

Mr. Butler, instructed by Mr. Hart, appeared for plaintiff, and Mr. Salomon, instructed by Messrs. Allen, Bowden, and Allen, for the defendant.

Pritchard v. SPRING.—An error occurs in the report of this case published in yesterday's issue. The sentence should read, "The effect of their testimony was that different qualities of flour were used in the bakers, but it did not appear that damaged flour was commonly used."

INSOLVENCY COURT.

WEDNESDAY.

Before the ESTRIBORAL.—A single meeting. One debt was proved. Insolvent was allowed her household furniture.

In the estate of John Jerrill, a single meeting. Six debts were proved. Insolvent made an offer of payment by instalments, which was accepted.

In the estate of John B. Watson, a single meeting. Three debts were proved. Insolvent amended his schedule, and was examined.

In the estate of Andrew M. Dick, a single meeting. One debt was proved. Insolvent made an offer of payment, which the meeting agreed to accept.

In the estate of William M. Newton, a first meeting. No appearance.

In the estate of William Cary, a first meeting. One debt was proved.

LAW.

PETER BRUDY, of Sussex-street, Sydney, dealer, liabilities £79 19s. 9d. Assets, £1 5s. Mr. Scapill, official assignee.

THOMAS M. GIBLIN v. JOHN HAMILTON OF SYDNEY. Re turned 9th March. Mr. Semple, official assignee.

WILLIAM BRENNAN, of Sydney, Lubidell, £797 3s. 10d.

GEORGE KILMISTER, special Elizabeth Turpin, James H. Atger, Edward Augustus, Robert Neimke, first.

FRANCIS J. COOPER, Esq., 11, Bayly and Bidder, adjourned single. ATT. GRAFTON, Thomas Way, single. ATT. BALHORN, John B. West, single. ATT. BOWREY, single. ATT. SOPHIA EDWARDS, Charles Westhaven, James Bowrey, single.

CENTRAL POLICE COURT.

WEDNESDAY.

Before Their Worshipships, the Police Magistrate, Moses, Day, Danaher, Chapman, Love, and Armitage.

Of twelve prisoners brought before the Court, two were discharged.

JOSEPH MURRAY, 12, charged with having wilfully caused damage to a steamship.

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sometimes been seduced into a dangerous admiration of these lawless proceedings by that side of character which it is natural to admire when presented alone. Some of these bushrangers have been smart, bold, and free-handed—they have been fearless riders, decent in their conduct before women,—not without a touch of gallantry and good manners. They have shown courage and coolness and recklessness of their own lives, which always wins a sort of admiration. Then human nature will sympathise with those who have against them mighty odds—over whom impends a dark and inevitable fate, and who, while they have nothing to hope for from law but condemnation, have refrained from wanton mischief. We look for the causes of this interests—not to say that compacency which we have had so many reasons to deplore—and are relieved to see that several may be found in a class of sentiments which are sometimes associated with much that is good. It is this view that may inspire the hope that the moral taint has not penetrated so deeply as might have been assumed from the deplored exhibitions we have sometimes seen, and which made great criminals almost heroes and saints. While admitting this, how can we refrain from sorrow to see young men of much energy and capacity, with valuable traits of character, throw away their chances of life and fall into a dishonoured grave? Had they followed an honest course, some of them might, fifty years hence, have been surrounded with all the blessings of a long and well-spent life. They are cut off, and nothing can cover their infamy but the darkness of an eternal oblivion.

**Mr. PIDDINGTON** has done service by calling attention early in the session to the question of the redemption of the debt, and though the Government has put the matter off for the future, the importance of the subject will force itself on the public attention. It is a pity that the present session is to be too short to allow of any business being done, because the present crisis in our borrowing history is favourable for inducing Parliament to accede in the propriety of adopting some measures to secure the punctual redemption of our obligations. The plan of issuing terminable debentures and making no provision to meet them when they fall due has brought us just now into embarrassment. The sum of £300,000 fell due on the first of January. That it was coming due was known to several successive Treasurers, yet not one of them made any provision to meet it. We took occasion frequently to direct attention to the matter, pointing out how damaging it would be if at the date of renewal the money market should be unfavourable to us. Nothing, however, was done, and the supposed unfavourable contingency has arrived. At the date at which it has become necessary to renew these debentures the price of them is lower than it has ever been before, and the market for them is duller. At the present time it is not known whether new debentures have been issued at all to take up the old ones, and we shall not know till next month. But the debentures already in the market are quoted by the last advices at as low as 89, and new ones cannot, therefore, be issued at a higher price; so that we are borrowing at 89 to pay off at 100. Yet it is absolutely necessary to take the market as it is, because the Government account is already so heavily overdrawn at the bank that additional advances to any great extent are not to be looked for. It does not add to our reputation to thus forced into a corner, and to be compelled to renew our bills at a disadvantage. All this might have been remedied had provision been made during the currency of these debentures for meeting them at maturity, or a fair proportion of them. This would have inspired public confidence, kept up the price of our securities, and provided a fund to liquidate accruing obligations. It was an omission not to have made a provision of this sort when the first of our debentures were issued, and so have established a right principle at starting, and it has been an omission not to have supplied the defect since. But now that the loss and inconvenience of not having done so has been made apparent, it will be more than an omission, it will be a dereliction of duty to neglect it any longer.

A moderate sum set aside every year would be sufficient for all practical purposes. There is no necessity to pay off the whole of the debt so long as it is being steadily reduced. A large portion of the debt has been incurred for the construction of railroads; and though we cannot say that the whole of this work—especially of the earlier constructed part—is worth what it has cost, and though the investment does not at present pay more than one and a half per cent., still the railway property remains a permanent national asset—one not wholly unproductive at present, and likely to become increasingly productive as population and settlement increase.

A continuous reduction of the debt would establish our credit more firmly. It would show that we were not piling up obligations recklessly and throwing them forward upon a distant posterity without any regard to the interests of the public creditor.

In order to secure a regular annual appropriation it is necessary to "place the matter beyond the control of the Minister." If it is left optional whether or not the money shall be set aside, it will only be done very occasionally. The demand for expenditure is too pressing to be easily resisted, and it is necessary to certify the virtue of the TREASURER by an express enactment that will make it impossible to tamper with the reserved money. Moreover, to establish confidence abroad, it is necessary to have it well understood that the arrangements for meeting the claims of the debt are not at the mercy of particular Treasurers, or particular administrations, or particular Parliaments. That plan has been tried and found a failure, and a costly failure too. It is necessary to adopt an entirely new system.

The treatment of the deficit is a more temporary matter than that of the debt, but it is desirable that some parliamentary expression of opinion should be placed on record as to the appropriation necessary for that purpose. The Ministers have in general terms expressed their desire to see the deficit extinguished, and have promised to devote the surplus revenue to that purpose; but it would assist them if their intentions in this respect were fortified by a definite resolution of the House pledging the whole of the revenue to be derived from the Additional Customs' Act, to be appropriated to the extinction of the deficit. It was the existence of the deficit that caused that Act, and it would be a violation of all propriety to extort fresh taxation under the plea that it was necessary to pay off the deficit, and then not to appropriate the money to the purpose, or only to appropriate a fraction of it. If the money is not sacredly set apart for its destined purpose it is sure to be exposed to Parliamentary plunder. Already the idea has

got abroad that the Government is again in easy circumstances, and that applications for expenditure may be sent in as before with a fair chance of being attended to if the proper process is applied. The incoming revenue has been discounted by the popular imagination, and it is not remembered that every shilling of possible surplus is already booked to clear off scores.

**GERMAN CHURCH.**—In Sydney and its neighbourhood there are somewhere about five hundred Germans, mostly Lutherans. Most of them are not officially connected with the English language to attend the services at English churches with any satisfactory appreciation of the sermon or the prayers. Occasionally a German service has been held in the city by some clergymen capable of understanding the language, but the result has been few. Several German colonists have decided that the time has come when this reproach should be rolled away. A meeting is summoned on Wednesday evening next, at the "Austral" Rooms, to take into consideration the creation of a German Church. G. C. Campbell is obtaining the services of a stated pastor; and we doubt not that the movement will be well sustained by those who devoe to attend religious services conducted in their native language, and according to the forms consecrated to them by early associations.

**MR. HILL'S LECTURE.**—Mr. T. P. Hill the well-known eccentric, delivered last evening, in the Australian Library, the closing lecture of a series on education. Illustrating his subject, he read extracts from the works of the human voice, when properly trained, in awakening the passions, in moving to tears, or provoking to mirth. The effect of Woyzeck, from Henry VIII, was given with great effect, and fully applied to the requirements of the exterior, the reader being dressed in a simple robe and vestments illustrative of the humourous, the didactic, and the sensational. Mr. Hill's efforts to promote a taste in education have often been referred to his special predilection for the study of German literature. He is staying, fully satisfied with his professional reputation.

**YOUNG MEN'S PRESBYTERIAN INSTITUTE.**—The meeting of the above—which was to have been held last evening in St. Stephen's Church, Macquarie-street, and at which Dr. Hill and Mr. Campbell were to have been present—was, owing to the thin attendance postponed for a fortnight.

**TEEMPERANCE HALL.**—A testical meeting was held in the above-places yesterday evening. Mr. Selby occupied the chair. All the speakers were referred to Mr. Wilson, a few observations on the natural distribution of plants was,

owing to the thin attendance postponed for a fortnight.

**THE BALLINA AND SUSANNA CUTHLBERT STEAMERS.**—The Ballina and Susanah Cutthbert, steamers, have both sailed for Sydney.

## TELEGRAPHIC MESSAGES.

[FROM OUR CORRESPONDENTS.]

MORPETH.

Wednesday, 6 p.m.

The half-yearly meeting of the Hunter River Steam Navigation Company was held to-day. The report was considered highly satisfactory. A dividend of 10 per cent. was declared, and a large balance carried to the reserve fund. Messrs. J. Wisdom and R. Cracknell were re-elected auditors, and a vote of thanks to the directors and officers was passed.

FORBES.

Wednesday, 6 p.m.

Gold has been struck on the North Canadian lead. The wash-dirt is said to be five feet thick, yielding about 15 dwts. to the load.

One hundred tons of quartz from the Homeward Bound claim, Billabong, was crushed a few days ago, and yielded about half an ounce per ton. Further crushing is suspended, in consequence of the water being suspended.

The weather lately has been intensely hot, ending on Monday evening in a thunder storm and a smart shower of rain.

GRAFTON.

Wednesday, 6 p.m.

It is announced in the *Examiner* that Mr. J. C. Lycock intends resigning his seat for the Clarence electorate in the Legislative Assembly, and it is also stated that Mr. John Robertson, late Minister for Lands, will offer himself for the vacant seat. If he does his election is considered certain.

Mr. Thomas Bawdon has, for the third year in succession, been unanimously chosen Mayor of the municipality of Grafton.

The Ballina and Susanah Cutthbert, steamers, have both sailed for Sydney.

BRISBANE.

Tuesday, 6 p.m.

Schagis, charged with being accessory to the murder of Bode, the German pedler, at the Logan Reserve, has been discharged from custody, the Crown having entered a *nolle prosequi*.

ARRIVED.—Cawarra (s.), from Sydney.

SAILED.—City of Brisbane (s.), for Sydney.

GLADSTONE.

VIA BRISBANE.

The Saxonia (s.), from Sydney via Newcastle, arrived to-day, and reports that last night, when eighteen miles south of Lady Elliot's Island, passed a large American-built ship on fire. The vessel was in flames from stem to stern. There was nothing to indicate her name, nor was there any sign of the crew being in the vicinity of the wreck.

MELBOURNE.

Wednesday, 8 p.m.

The Treasurer made his financial statement. The tariff of last session was introduced and will be enforced to-morrow. The total revenue for last year, £3,056,664; balance to present year, £21,572; total estimated revenue for current year, £3,384,670; to be paid balance to next year, £20,227; new duties collected last year and now in course of repayment, £136,328; cash deposits in the hands of the Government account of the tea and sugar duties, £23,146; of bonds, £35,684; total £63,780.

A CRICKET match was played last Saturday, on the Balmain Ground between the sixes of the Waterloo C. C. and eleven of the Balmain Surrey C. C. Waterloo scored first Innings 19, and 31; and 51. Balmain scored second Innings 20, and 30.

**THE LATE FATAL BOAT ACCIDENT.**—An inquiry was held yesterday, before the City Coroner, at the Observer Tavern, George-street, North, respecting the death of Evan Ellis, who as our readers will recollect, was drowned on the Hunter after the drowning of his son, the late Richard Ellis, and in whose boat he was. His son had a nephew, and was apprenticed to him as a carpenter; witness had taken a contract for some additions to the Telegraph office at the South Head, and on Monday last had instructed to him to go to Uralla, and to bring him back. He had a weight of lead, one cast of copper, and some nail-studs, altogether weighing about twenty-one hundredweight; the authorities were to have been taken down in Watson's Bay, but as he was not running that day, Bill hired a waterman, and the boat was salved by the waterman, but was unable to swim. George Hay, captain of the barge John Knox, stated that on Monday afternoon last, he was standing on the deck of his vessel, when a young man, who was swimming, came up to him, and said he was too heavily laden, there being a heavy sea on at the time; the wind suddenly shifted to the north-west, bringing the boat in heavily, and the man commenced pulling on the oars, endeavouring to keep her head to the wind, and the other man was pulling on the oars, endeavouring for a short time. He saw the boat suddenly go down, and he immediately sent off one of his boats, with a crew of four, to their assistance: the crew succeeded in getting the boat, and when he had got it alongside, the other man could not be found; he (witness) considered the boat to have been properly managed, but that he was too heavily laden, there being a heavy sea on at the time; the wind suddenly shifted to the north-west, bringing the boat in heavily, and the man commenced pulling on the oars, endeavouring to keep her head to the wind, and the other man was pulling on the oars, endeavouring for a short time. 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## SIR CHARLES DARLING AND THE VICTORIAN DIFFICULTY.

(From the Times, December 22.)

JAMAICA and New Zealand, to the almost total exclusion of the rest of our Colonial Empire, have naturally attracted the attention of a public which is not wont to occupy itself with too many things at a time; and yet there is now playing out in the colony of Victoria a drama possessing incidents of interest, perhaps more far-reaching and permanent than the fierce struggle of the Maori or the Boer. The colony of Victoria in these two colonies blood has flowed in profusion, and there is something in these scenes of horror which rivets and fascinates the attention of a nation happily far removed from such terrible excitement. But in Victoria we see, in the midst of profound peace and of daily increasing prosperity, a contest going on which is destined to exercise immense influence over the future welfare of only one portion of the Australian continent at least. The question at issue is nothing less than whether the Constitution which the colony has established for itself under the provision of an Act of Parliament shall be observed or not; whether Victoria shall be governed under a Constitution, democratic, indeed, in its provisions, but still respected and obeyed by the denizens of the land it created; whether the popular will, as expressed by universal suffrage, shall overbear and sweep away everything that opposes and claims to be absolute, not only within the circle marked out for its exercise, but over the laws, the courts of justice, and the privileges of a legislative body intended to curb and control its excesses. By the Constitution of Victoria the two Chambers must agree to the Appropriation Bill, which must then receive the assent of the Crown, and without these three assents no public money can be lawfully spent. The Council has laid aside the Appropriation because a Tariff Bill has been passed to it. The Assembly claim to levy and appropriate the revenue under the Tariff and Appropriation Bills respectively, as if they had passed the Council and received the assent of the Crown, and they persevere in this course, though the Supreme Court of the colony has declared it to be illegal. The Constitution of Victoria deserves the most implicit obedience from the colonists, for it is their own work. It is no foreign scheme forced upon them by overpowering influence from without, but an article of native manufacture. If it is found to work badly, it is capable of amendment; if it is unsatisfactory to the condition of the Assembly, it is capable of repetition. The Council, nothing can justify or excuse its conduct, which is that of leaving the Constitution standing and openly disregarding or fraudulently cluding its provisions. The body whose business it is to make laws ought surely to be among the first to obey them, for, if not, it annihilates its own function by practically demonstrating the worthlessness of having any laws at all. If the Government and the Assembly do not obey the law, to what quarter should we look for obedience? Why should private individuals be expected to govern their conduct with reference to the decisions of the Courts of Justice, when those to whom they naturally look up for guidance and example act in ostentatious disregard of their judgments? The Supreme Court of Victoria has decided that the levy of duties under the Appropriation Bill, is illegal. But the Government continues to do the same, and not only levies them, but sends letters to persons asking to try the point, telling them that it intends to carry the case by appeal to the Privy Council, which seems to imply that it believes what it has done is legal, and in the very same letter tells them that when an Act is passed to give form—that is, legality—to these proceedings, a retrospective clause will be introduced for settling such litigations. That in this single letter the Government condescends to tell the litigant with the utmost amount of vexation and chicanery in order to worry him out of the prosecution of his legal claim, and, secondly, by a retrospective law to inflict upon him penalties for a perfectly lawful, and, in the land of Hampden we may be permitted to say, a meritorious and praiseworthy act—that of the subject who resists an illegal demand, even when backed by all the weight and authority of Government.

The intelligence just received holds out no hope of any settlement of the quarrel. Attempts have, indeed, been made to produce an accommodation, but hitherto without success. The Council has offered to refer the question of the right of the Assembly to levy taxes without its assent to the Judicial Committee of the Privy Council, but the Assembly has refused the intervention of the court to determine its rights and powers to a mere Court of Law, while it is still claiming to be the expositor of its own powers, and determining to overrule any body which should venture to resist its action. The Assembly of Victoria, in its omnipotence, presumes probably on the ground of being elected by universal suffrage, to be placed above power by which the English House of Commons could interfere, and, having taken up its cause, Australia could not doubt have committed the Judges of the Queen's Bench to prison for venturing to decide anything about its privileges. In the meanwhile the matter is further complicated by legal proceedings. The amount of duties collected without sanction of law is about £130,000. At the same time the Government has received about £100,000, which it retains in its coffers. Captain Coles, the same spirit of determined obstruction which invariably occurs, and is as invariably defeated, after the inventor has been wearied out, and probably has carried the most valuable part of his invention with him to his grave. No matter what new improvements in their boards are still significantly "retained," the same spirit of the people subject have been placed upon record from time to time. Add to the openly expressed opinions of our great generals and our best statesmen, and to the reiterated warnings of the independent Press the resolution of Congress against the recognition of any other than a republican form of government in Mexico, and the position of President Johnson that he knew of no such person as the Mexican Emperor, and we have a perfect chain of evidence in regard to the views held by the United States concerning Mexican affairs. Neither Napoleon nor Maximilian can possibly mistake the meaning of these repeated popular and official manifestations, and the appointment of General Logan as our Minister to Mexico is a most unequivocal recognition.

There are several circumstances which make the selection of General Logan peculiarly appropriate and peculiarly ominous. In the first place, he is one of our bravest generals, and all our generals are known to be in favour of assisting Juarez, by force if necessary, in resuming the authority which has been usurped by Maximilian. In the second place, General Logan is a personal friend of President Johnson, and much attached to him. He has been paid the double duty of being a soldier and a statesman, and it is probable that he will now seek a spectacular career in the army, and the political arena.

He has, since October, given up collecting duties under the existing Act of Parliament, and legal proceedings have been commenced against the officer for collecting less than the amount imposed by law.

The penalty to be recovered in the action is double the amount of the sum collected. It would seem as if the officer had made a large sum, while General Logan, being a soldier, is admirably adapted to share the warlike fortunes of the Mexican President, and it is probably the intention of the Government that he shall proceed at once to the head-quarters of Juarez, wherever they may be subsequently located, until the war in Mexico is ended by the re-establishment of the Republic.

The very fact that a six-inch gun is worse than brown paper, and wholly ineffectual against the Mackay gun, hesitate about constructing—at enormous cost—another broadside target, that must inevitably meet the fate of the first.

We, in England, beggars that we are, grumble most grudgingly about our taxes, and pay our Customs' dues, but our wealthy colonists cannot, it should seem, be relieved of their superfluous cash without a duplicate scale of that very unpleasant nature. We had thought that, whatever else may admit of improvement, the most deplorable ingenuity of man could invent nothing more execrable than we have just experienced in the way of taxation. But we confess our error, and give the credit which is due to Australia for the initiation of the system at work at the same moment—an upper and a lower millstone, between which the taxpayer must be ground very fine indeed. The effect is that, if the Assembly is defeated—the person who is sure to lose in either case being the consumer—there will be paid the double duty. Not is this all. The Council have, since October, given up collecting duties under the existing Act of Parliament, and legal proceedings have been commenced against the officer for collecting less than the amount imposed by law.

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We see in a contemporary a list of thirty-one questions on the subject of the turreted ship, as a counter-attack to the one which has been proposed by us. We are not permitted to ask more respectfully of the Board of Admiralty, why not try to answer them? Why not answer one simple question more? At the present time the whole evidence before the public speaks in favour of Mackay's gun. For the turret we have the evidence of the Admiralty's own officers, for the gun we have the two targets standing side by side, the Mackay target beaten, the Armstrong target unbroken. We are not so absorbed in the weapons of the blacks as to have lost all sympathy for our fellow-countrymen in Australia, and, therefore, we have at least a right to expect that the representation of the Queen shall confine himself within the strict precincts of legal and constitutional duty, and that, limited as may be his powers for good, he shall not arrogate for himself an omnipotence for evil by the abuse of the powers with which he has been intrusted, not for the benefit of the Assembly at Victoria, but for the benefit of a large portion of the Government, not how long this revolutionary state of things is to go on, but how long the revolution is to be headed by a Governor whose function is worse than useless if his first duty was not to inculcate, both by precept and example, obedience to the law as declared by its undeniably responsible exponents?

It is hardly of little use to address any remonstrance to the Government of the colony who have committed themselves to these lawless and depoliticized courses. They know well they have had sympathy to expect from this country, and will probably neither be surprised nor ashamed to find that its opinion is against them. But they must remember that Sir Charles Darling will not

## THE SYDNEY MORNING HERALD, THURSDAY, FEBRUARY 22, 1866.

always be Governor of Victoria, and that the present contest, if carried much further, must inevitably assume the form of a conflict between the Assembly and the mother country. One condition of the relations between the colonies and England is that both should observe the laws of these communities to remain parts of the British Empire, that is to remain obedient to the Queen. The Queen's laws are to be exempt. They must not seek for a license which we do not claim for ourselves, nor believe that they can obtain allegiance to the Queen while setting up the authority of a single branch of the Legislature in defiance of the ordinances which have been passed in this name.

## BOARDS AND INVENTIONS.

It seems a wonderful and almost incomprehensible fact that the mixture of two liquids should form a solid—that two cold liquids when mixed should rise to boiling-point—that two almost colourless fluids should make the jet black ink with which we write—water cannot be the medium of exploding a powder magazine—and many other facts as strange as this might easily be created; whether the popular will, as expressed by universal suffrage, shall overbear and sweep away everything that opposes and claims to be absolute, not only within the circle marked out for its exercise, but over the laws, the courts of justice, and the privileges of a legislative body intended to curb and control its excesses. By the Constitution of Victoria the two Chambers must agree to the Appropriation Bill, which must then receive the assent of the Crown, and without these three assents no public money can be lawfully spent. The Council has laid aside the Appropriation because a Tariff Bill has been passed to it. The Assembly claim to levy and appropriate the revenue under the Tariff and Appropriation Bills respectively, as if they had passed the Council and received the assent of the Crown, and they persevere in this course, though the Supreme Court of the colony has declared it to be illegal. The Constitutional of Victoria deserves the most implicit obedience from the colonists, for it is their own work. It is no foreign scheme forced upon them by overpowering influence from without, but an article of native manufacture. If it is found to work badly, it is capable of amendment; if it is unsatisfactory to the condition of the Assembly, it is capable of repetition. The Council, nothing can justify or excuse its conduct, which is that of leaving the Constitution standing and openly disregarding or fraudulently cluding its provisions. The body whose business it is to make laws ought surely to be among the first to obey them, for, if not, it annihilates its own function by practically demonstrating the worthlessness of having any laws at all. If the Government and the Assembly do not obey the law, to what quarter should we look for obedience? Why should private individuals be expected to govern their conduct with reference to the decisions of the Courts of Justice, when those to whom they naturally look up for guidance and example act in ostentatious disregard of their judgments? The Supreme Court of Victoria has decided that the levy of duties under the Appropriation Bill, is illegal. But the Government continues to do the same, and not only levies them, but sends letters to persons asking to try the point, telling them that it intends to carry the case by appeal to the Privy Council, which seems to imply that it believes what it has done is legal, and in the very same letter tells them that when an Act is passed to give form—that is, legality—to these proceedings, a retrospective clause will be introduced for settling such litigations. That in this single letter the Government condescends to tell the litigant with the utmost amount of vexation and chicanery in order to worry him out of the prosecution of his legal claim, and, secondly, by a retrospective law to inflict upon him penalties for a perfectly lawful, and, in the land of Hampden we may be permitted to say, a meritorious and praiseworthy act—that of the subject who resists an illegal demand, even when backed by all the weight and authority of Government.

The merit, honour, and good worth of those gentlemen who compose our Boards of Admiralty and our Ordnance Select Committee no one would for a moment question. They each write their own character on the minds of those who know them. Separately, they have been known for years, not merely as average sailors, but as men of high rank, as distinguished men, possessing very considerably above ordinary ability and talent. Apart, before they get rolled into a board, we find these distinguished gentlemen leaving their mark wherever they go—some monument of clear-headed thought and well-directed energy, and then, the instant they get absorbed into a board, we see precisely the same habitual shakiness of temperament which they exhibited, the same lack of the confidence in which they are embarked, the same lack of the dangerous caprice of inhospitable tribes, and the same petty tyrants. However, with indomitable pluck and endurance, he executed his mission, and brought back to Europe, after six years' incessant wandering, much valuable information respecting the geography, natural history, political aspect, and commercial mission of Central Africa, and arrived of finding a scientific companion for him. Dr. Barth heard of this, and at once offered his services, which were accepted, and towards the close of the same year the two travellers set out on their perilous journey. Richardson soon succumbed to the terrible fatigues of the desert, leaving Barth to pursue his path alone. Barth, continuing his brave march traversed thousands of miles of unknown land, exposed to heat by day and cold by night, and, what is still worse, to the dangerous caprice of inhospitable tribes, and was recollected by the jury that she was recently returned from the desert, a rocky island about ten or twelve miles distant. The ship that was signalled turned out to be the Laurel, from Liverpool, with a cargo of munitions of war, and as soon as the vessel met the transport of the cargo of the Laurel to the Sea King was fully equipped with about £40,000 pounds, powder and shot, and was enabled to proceed on her voyage. The ostensible voyage was to Bombay, and the seamen were engaged for such a voyage, and the defendant was present when the men were armed, and when he engaged himself, and he put to two or three of them which subsequently happened, whether they were single men, because he wanted to get as many single men as he could. His cargo for the outward voyage was described as coal and provisions, a cargo well adapted for her ultimate destination. She sailed on the 7th October direct for Madras, but she did not put in there. When off Madras, she took on board a crew, and, as far as could be seen, she was bound for Bombay. 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THE SYDNEY MORNING HERALD, THURSDAY, FEBRUARY 22, 1866.

**FOR SALE**, about 150 fine-walked RAMS, 2½ years old, Apply, for particulars, to R. KUMMERER, Esq., Hunter-street; or to J. S. SMITH, Esq., Kurribilla, Manly.

**IMPORTED NEGRETTI SHEEP.—Only 20 RAMS**

and  
4 WOES.

mentioning unold of the shippers of these famous sheep to Messrs. Mayfield and Co. The undersigned are instructed to treat liberally this week for the lot remaining, in order that account sales may be forwarded by the outgoing mail on the 22nd instant. It is intended that date, the sheep on hand will be forwarded to Melbourne.

BURT, 273, Pitt-street.

**BUGGIES and Vehicles of all kinds on Hand or made to order.** T. MOORE, 233, South Head Road.

**FOR SALE**, an excellent 4-seated BUGGY, £30; American wagon, complete, £25; superior dogcart, GIBSON'S Repository, opposite the School of Arts, Pitt-street.

**HORSES and Vehicles lent on hire.** GIBSON'S Repository, opposite School of Arts, 232, Pitt-street.

**BUGGIES—Several new and second-hand Buggies cheap.** GIBSON, 232, Pitt-street, op. School of Arts.

**FOR SALE, or HIRE, all kinds of Vehicles and Harness.** GEORGE KIDS, Livry Yards, Elizabeth-street.

**FOR SALE, two PONIERS, cheap.** Apply at the Pictor Arms, Haymarket.

**SADDLE HORSES, Vehicles, in HIRE.** C. FIRMAN'S, Post Office Hotel Stables, York-street.

**FOR SALE, a good MILK CART, HORSE, and HARNESS.** Apply to Reves, Glebe-street, Glebe.

**SALES BY AUCTION.**

**TO BE SOLD, at WOOLLERS', Pitt-street,** by auction, THIS DAY, at 11 o'clock.

Horses, carts, drays, buggies, waggonas, sprung-carts, &c.

No charge for entering horses, &c., for sale.

Proceeds payable immediately after sale.

UNBROKEN COLTS.

Campden-hall Yards.

THURSDAY, February 22nd, at 2 o'clock.

**BURT and CO.** have been instructed by Mr. J. M. Byrnes to sell by auction, at their Yards, THIS DAY, the 22nd, at 2 o'clock.

Unbroken colts, bred by Mr. Hall, Dartbrook.

These will be found upon inspection, a very superior lot of young horses, and are suited for all sorts of harness work, and amongst them are several well-bred colts fit for harness.

Fat Sheep.

Fat Lambs.

**BURT and CO.** will sell by auction, at their Bazaar, TO-MORROW, Friday, at 12 o'clock.

250 fat sheep.

50 fat lambs.

THURSDAY'S General Sale.

**M. R. C. MARTYN** will sell by auction, at the Bazaar, THIS DAY, at 11 o'clock.

A batch of horses from Kiama.

The usual variety of saddle and harness horses, vehicles, harness, saddlery, &c., &c.

Strong Up-standing Handled and Unbroken Colts.

**M. R. C. MARTYN** has received instructions from Mr. E. Arnett to sell by auction, at the Campden-hall Yards, on FRIDAY next, at 2 o'clock.

30 head up-standing, handled and unbroken horses, in fair condition, from the Goulburn district.

**G. M. PITTS** has received instructions from Mr. Henry Newcomen, Esq., to sell by auction, THIS DAY, the 22nd instant, at Mr. John Fullagar's, at 11 o'clock.

100 head of prime fat cattle, in lots.

Butchers.

Butchers.

**M. R. W. FULLAGAR** has received instructions from W. F. Buchanan, Esq., to sell at his Yard, Western Road, THIS DAY, the 22nd instant, at 11 o'clock.

150 prime fat cattle, in lots to suit purchasers.

Butchers.

Butchers.

**F. P. MEARES** will sell by public auction, THIS DAY, the 22nd February, at his Depot, George-street, South, at 11 o'clock.

A superior lot of milk cows and springers.

At 12 o'clock sharp.

Fat calves, lamb, sheep, pigs, poultry, &c.

Terms, cash.

Hawley Auction Produce Depot.

**F. P. MEARES** will sell by auction, at his Depot, George-street, South, at 11 o'clock.

The above is now on view between 9 a.m. and 6 p.m. Omnibus pass the door every 15 minutes.

On TUESDAY, February 27th, at 11 o'clock.

At No. 4, Rialto-terrace, Upper William-street, Woolloomooloo.

To Gentlemen Furnishing and others.

Elegant and Substantial Household Furniture and Effects.

Superior Trichord Pianoforte, in Rosewood, by Brad, Ellington, Mason, and Co.'s Electro-plate Richly-cut Glassware

Valuable Books

Dining and Drawing-room Furniture

Superior Spanish Mahogany Wardrobe, with plate glass centre doors

Brass Bedstead and Hair Mattress

Chest Drawers, Chairs, &c.

Brass Bedstead and Decanters

White and Gold China Breakfast Service

Oblique Cottage Trichord Pianoforte, in walnut, 7 octaves, and folding key-board (equal to) by Auber, & Fives, cast iron guides.

Oval Table, with patent screw.

THURSDAY, 22nd February, at 11 o'clock.

On the Premises, 25, Lower Campbell-street, South Head Road.

Pianoforte, by Alison and Alison, and substantial Household Furniture, &c.

**M. R. H. D. COCKBURN** has been instructed by Mr. H. Green to sell by auction, THIS DAY, 22nd February, at 11 o'clock, on the premises, 101, Bathurst-street.

The whole of the household furniture, comprising cottage piano, by Alison and Alison; chiffoniere, sofa, couches, dining-table, chair, pier glass, sheets of drawers, dolls' bedstead, bedding, china, glass, kitchen utensils, &c.

Terms, cash.

FRIDAY, 23rd February, at half after 10 o'clock.

Clearing-out Sale, in consequence of the expiration of lease.

To Builders, Plumbers, Gas-fitters, and others.

**M. R. H. D. COCKBURN** has received instructions from Mr. H. Green to sell by auction, on FRIDAY, the 23rd February, at 11 o'clock, on the premises, 101, Bathurst-street.

The stock, comprising iron

iron pump, copper boiler

iron pipes, water basins

Water-closets, galvanised and cast iron gutter fittings Sundries, &c., &c.

Terms, cash.

Watches, Clothing, and Sundries.

**ALEXANDER MOORE** and CO. will sell by auction, at the Mart, Labour Bazaar, Pitt-street, THIS DAY, at 11 o'clock.

Horses, carts, drays, buggies, waggonas, sprung-carts, &c.

No charge for entering horses, &c., for sale.

Proceeds payable immediately after sale.

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